

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: HU et al.

Application Serial No.: 09/257,272

Art Unit: 1647

Filed: February 25, 1999

Examiner: Landsman, R.

For: Vascular Endothelial Growth Factor 2

Attorney Docket No.: PF112P2D2



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**FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT PURSUANT TO 37 § CFR 1.56**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to the Statutory Declaration of Francis John Ballard, executed on December 12, 2001 and accompanying Exhibit 1.

The above-listed declaration and accompanying exhibit were brought to the attention of the Applicants in connection with an opposition to an Australian application that essentially corresponds to the U.S. priority application in this case. A copy of the above-listed Declaration and accompanying exhibit thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed document(s) is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed document(s) should it applied as reference(s) against the claims of the subject application.

Applicants respectfully request that the Examiner acknowledge receipt of the enclosed Declaration and exhibit attached thereto, in the file of the instant application.

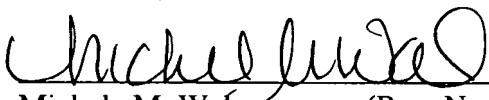
Pursuant to 37 C.F.R. § 1.97(c)(1), the Patent Office will consider this Fourth Supplemental Information Disclosure Statement if filed before the mailing date of a final Office Action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in this application and accompanied by the fee set forth in § 1.17(p).

Further pursuant to § 1.97(e)(1), the undersigned certifies that no item of information contained in this Fourth Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application more than three (3) months prior to the filing of this Fourth Supplemental Information Disclosure Statement. Accordingly, no fee is required with the submission of this paper.

If any fees are deemed necessary, the Patent & Trademark Office is authorized to charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A Fee Transmittal for FY 2002 is enclosed.

Respectfully submitted,

Dated: 1/23/02

  
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Enclosures  
MMW/AKR/lcc